

REMARKS

The Applicants have studied the Office Action dated February 23, 2007 and have made amendments to the claims to distinctly claim and particularly point out the subject matter which the Applicants regard as the invention. It is submitted that the application, as amended, is in condition for allowance. The Applicants have cancelled claim 2, without prejudice. New claims 20-21 have been added. By virtue of this amendment, claims 1, 3-21 are pending. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks is respectfully requested.

Amendment to the Specification and Figures

The Applicants have amended FIGs. 3 and 6 to correct informalities that were discovered in those figures. FIG. 3 has been amended to change a set of call numbers that were incorrectly duplicated in the figure. The Applicants have further amended paragraphs 0027, 0028 and 0033 to reflect the changes in FIGs. 3 and 6 and to correct further inconsistencies between the figures and the description within those paragraphs.

New call numbers 390, 392 and 394 have been added to FIG. 3 to replace one set of call numbers 340, 342 and 344 of the original figures. After this amendment, call number 340 unambiguously refers to time period R1, call number 342 unambiguously refers to time period R2, call number 344 unambiguously refers to time period RN. Support for this relationship is found in the specification at, for example, paragraphs 0030-0033. New call number 390 unambiguously refers to timeslot b, call number 392 unambiguously refers to timeslot f, call number 394 unambiguously refers to timeslot x. The specification at paragraph 0027, 0028 and 0033 was also amended to properly refer to these new call numbers. Support for these amendments is found in FIG 3. Paragraphs 0027, 0028 and 0033 were further amended to correspond to the call numbers and identifiers used in FIG. 3. No new matter has been added by these amendments.

FIG. 6 has been amended to identify a "NO" decision branch from decision box 606. Support for this amendment is found in the specification at, for example, paragraph 0041. No new matter has been added by this amendment.

Rejection under 35 U.S.C. §103(a) over Gitlin and Gardner

The Examiner rejected claims 1-4, 8-11 and 14-19 under 35 U.S.C. § 103(a) as being unpatentable over *Gitlin et al.*, U. S. Patent No. 6,064,662 (hereinafter "Gitlin") in view of *Gardner*, U. S. Patent Publication No. 2004/0125740 (hereinafter "Gardner").

As an initial matter, the Applicants have cancelled, without prejudice, claim 2, thereby rendering the rejection of those claims moot.

With respect to independent claims 1, 8, and 14, the Applicants have amended these claims to more clearly specify "a plurality of RF carriers conforming to an RF transmission standard" and "wherein a single data portion conforming to a data portion that is to be modulated within one timeslot defined by the RF transmission standard is divided into different sub-portions, and each respective sub-portion within the different sub-portions is modulated onto a respective carrier of the at least two carriers during a portion of respective timeslots defined by the RF transmission standard." Support for these amendments is found in the specification at, for example, paragraph 0026-0028. No new matter has been added by these amendments. The Applicants assert that the cited references, taken either alone or in any combination, fail to teach or suggest these aspects of the presently claimed invention.

The Applicants have amended dependent claims 3 and 10 to provide proper antecedent basis in response to the amendments to independent claims 1 and 8, from which they depend.

With respect to dependent claims 4, 11, and 17, the Applicants have amended these dependent claims to more clearly define a "service timeslot." Support for this amendment is found in the specification at, for example, paragraph 0018. No new matter has been added by these amendments.

The Applicants traverse the Examiner's characterization of Gitlin as teaching a "service timeslot." Office Action dated February 23, 2007, page 4, penultimate paragraph. The

Examiner is apparently asserting that a "guard band," as taught by Gitlan, is a teaching of a "service timeslot." The Applicants point out that the discussion of guard bands in the cited portion of Gitlan is a reference to the "guard bands '28'" described for FIG. 3 of Gitlan. See, Gitlan, col. 4, lines 29-34, referring to FIG. 3. In its discussion of FIG. 3, Gitlan describes "guard bands 28" as being "used to separate individual user transmissions." Gitlan, col. 2, lines 43-45. The Applicants assert that "guard bands" are well known in the art and refer to time or frequency portions that are not to be used for any communications. Such a definition is certainly consistent with the description provided by Gitlan. The Applicants assert that "service timeslots" are also well known in the art and refer to timeslots used to "communicate[] communications service maintenance data." The Applicants have amended claims 4, 11, and 17, to more clearly define "service timeslots" to conform to this well known definition.

With further regards to amended claims 4, 11, and 17, the Applicants traverse the Examiner's assertion assert that the cited references teach "deactivating the receiver during at least a period of time outside the at least one timeslot and the service timeslot." Office Action dated February 23, 2007, page 4, penultimate paragraph. The Applicants assert that the cited reference never describe deactivating a receiver during part of a time division timeframe. Further, the Applicants assert that deactivating a receiver outside of a "guard band" in the time domain (which the Examiner asserts is a teaching of the service timeslot) would be inconsistent with Gitlin's own description of guard bands as well as the common understanding by one of ordinary skill in the art.

The Applicants assert that the cited references, taken either alone or in any combination with one another, fail to teach or suggest the aspect of the present invention set forth by amended claims 4, 11, and 17.

The Applicants further point out that dependent claims 2-4, 9-11 and 15-19 depend from amended independent claims 1, 8 and 14, respectively. As discussed above, amended independent claims 1, 8 and 14 distinguish over the cited references. Since dependent claims include all of the limitations of the independent claims from which they depend, Applicants further assert that dependent claims 2-4, 9-11 and 15-19 also

distinguish over the Harman reference as well. Therefore, Applicants respectfully assert that the Examiner's rejection under 35 U.S.C. §103(a) with respect to Gitlin and Gardner should be withdrawn.

Rejection under 35 U.S.C. §103(a) under Gitlin and Iwamura

The Examiner rejected claims 5-6 and 12-13 under 35 U.S.C. § 103(a) as being unpatentable over Gitlin in view of *Iwamura*, U. S. Patent Publication No. 2006/0034330 (hereinafter "*Iwamura*").

The Applicants note that dependent claims 5-6 and 12-13 depend, directly or indirectly, from amended independent claims 1 and 8, respectively. As discussed above, amended independent claims 1 and 8 distinguish over the cited references. Since dependent claims include all of the limitations of the independent claims from which they depend, Applicants further assert that dependent claims 5-6 and 12-13 also distinguish over the cited reference as well. Therefore, Applicants respectfully assert that the Examiner's rejection of claims 5-6 and 12-13 should be withdrawn.

Rejection under 35 U.S.C. §102(e) by Gardner

The Examiner rejected claim 7 under 35 U.S.C. § 102(e) as being anticipated by Gardner.

The Applicants have amended independent claim 7 in a manner similar to that discussed above with respect to amended independent claims 1, 8 and 14. The Applicants also assert that the cited references, taken either alone or in any combination, fail to teach or suggest these aspects of the presently claimed invention for the same reasons discussed above with respect to claims 1, 8 and 14.

Rejection under 35 U.S.C. §101

The Examiner asserts that claims 14-19 are directed to non-statutory subject matter. Office Action dated February 23, 2007, page 6, last paragraph, sections 6-7.

With regards to independent claim 14, the Applicants have amended claim 14 to

include "outputting the single data portion." Support for this amendment is found in the specification at, for example, paragraph 0039. No new matter has been added by this amendment. The Applicants assert that, when the presently claimed invention is considered as a whole, the program set forth by amended claim 14 provides "a useful, concrete and tangible result" as required by the statute. The processing of the program defined by amended claim 14 wirelessly receives a plurality of RF carriers, demodulates, assembles the different portions and outputs the single data portion. The Applicants assert that this defines a transformation and that "outputting the single data portion" is a useful, concrete and tangible result.

With further regards to amended independent claim 14, the Applicants have amended this claim to specify that a computer program product is "tangibly encoded with computer programming instructions." The Applicants assert that this definition further causes amended independent claim 14 to be directed to statutory subject matter.

With regards to dependent claims 15-19, the Applicants point out that these claims depend from amended independent claim 14, which includes limitations and definitions that result in that claim's being drawn to statutory subject matter. Since these dependent claims include the limitations of the claims from which they depend, the Applicants assert that dependent claims 15-19 are drawn to statutory subject matter as well.

New Claims 20-21

The Applicants have added new claims 20 and 21, which depend directly from amended independent claim 1. Support for new claims 20-21 is found in the specification at, for example, paragraph 0027. No new matter has been added by these amendments. The Applicants submit that the cited references do not teach or suggest the subject matter of new claims 20-21.

CONCLUSION

The foregoing is submitted as full and complete response to the Official Action mailed February 23, 2007, and it is submitted that the pending claims are in condition for allowance. Reconsideration of the rejection is requested. Allowance of the pending claims is earnestly solicited.

The Applicant hereby petitions for a THREE month extension of time to file this Response. The Commissioner is hereby authorized to charge the extension fee for response of (\$1020), or if this fee amount is insufficient or incorrect, then the Commissioner is authorized to charge the appropriate fee amount to prevent this application from becoming abandoned, or credit any overpayment, to Deposit Account **50-1556**.

If for any reason the Examiner finds the application other than in condition for allowance, or the Examiner believes that there are any informalities which can be corrected by Examiner's amendment, a telephone call to the undersigned at (561) 989-9811 is respectfully solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In view of the preceding discussion, it is submitted that the claims are in condition for allowance. Reconsideration, re-examination, and allowance of the claims is requested.

Respectfully submitted,

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By: 

Jeffrey M. Giunta
Registration No. 42,583